IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

CRP.No. 1115 of 2005()

AGAINST THE ORDER IN IA 854, 880/2005. IN AS.44/2001 of I ADDL. DISTRICT COURT, PALAKKAD

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REVN. PETITIONER/ RESPONDENTS 1 TO 3 IN THE I.As

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1. K.SHAIK DAVOOD, S/O.KAJAHUSSAIN, RESIDING AT ROBINSON ROAD, KOPPAM AMSOM, PALAKKAD TALUK.

2. K.MUHAMMED RAFFI, S/O.KAJAHUSSAIN, RESIDING AT ROBINSON ROAD, KOPPAM AMSOM, PALAKKAD TALUK.

3. K.SIRAJ, S/O.KAJAHUSSAIN, RESIDING AT ROBINSON ROAD, KOPPAM AMSOM, PALAKKAD TALUK.

BY ADV. SRI.D.KRISHNA PRASAD
SRI.D.NARENDRANATH
SRI.M.HARISHARMA
SRI.T.P.ELDHOSE
SMT.O.K.SANTHA

RESPONDENTS/ PETITIONERS AND RESPONDENTS(EXCEPT) RESPONDENTS 1 TO 3 IN I.A. NO.854/2005

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1. LAILA, W/O.NOOR MOHAMMED, RESIDING AT DOOR NO.4/23B, AUDITOR STREET, MAIN ROAD, CHETTIPPALAYAM, POTHANNUR, COIMBATORE DISTRICT.

2. JOHANAR SARVUDEEN, S/O.LATE MOHAMMED ALI, NO.1. UMMER NAGAR, POTHANNUR MAIN ROAD, COIMBATORE.

3. UMMUSALMA, W/O.ABDUL JABBAR, RESIDING AT MAYILOTHU KALAM, PALATHULLI AMSOM, PALAKKAD TALUK, PALAKKAD DISTRICT.

4. SALEEMA, W/O.SALIM, RESIDING AT
A.R.NAIR COLONY, KUNNANUR AMSOM, PALAKKAD. TALUK.

5. EBRAHIM, S/O.LATE MUHAMMED ALI,
RESIDING AT CIVIL NAAR, B 27, THRIVENI,
YAKKARA AMSOM, PALAKKAD TALUK.

6. NOUFAL, S/O.LATE MUHAMMED ALI,
B27, THRIVENI, CIVIL NAGAR, YAKKARA AMSOM,
PALAKKAD TALUK.

7. FAIZER, W/O.JAFARALI, RESIDING AT
ASHIK MANZIL, SREENIVASA GARDEN,
KALLIKKAD, PIRAYIRI AMSOM, PALAKKAD TALUK.

8. SHAHUL HAMEED, RESIDINGAT 11/625,
COURT ROAD, KOPPAM AMSOM, PALAKKAD TALUK.

9. MUHAMMED RAFFI, S/O.LATE MUHAMMED ALI,
RESIDING AT 11/625, COURT ROAD, KOPPAM AMSOM,
PALAKKAD TALUK.

10. MOHAMMED SALIM, S/O.LATE MOHAMMED ALI,
AYILAM COTTAGE, A.R.NAIR COLONY, KUNNATHURMEDU,
KANNANUR AMSOM, PALAKKAD TALUK.

BY ADV. SRI.S.V.BALAKRISHNA IYER
SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN

THIS CIVIL REVISION PETITION HAVING COME UP FOR ADMISSION ON 26/7/2007, ALONG WITH W.P.(C)31278/2005 THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER IN I.A.3156/2005 IN CRP NO.1115/2005

DISMISSED

26.7.2007 SD/- PIUS C.KURIAKOSE, JUDGE.

/TRUE COPY/

P.A. TO JUDGE

PIUS.C.KURIAKOSE, J.

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C.R.P.No.1115/05 &
W.P.(c).No. 31278 of 2005

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Dated this the 26th day of July, 2007

ORDER

Judgment of the Supreme Court in **Daya Ram and others v. ShvamSundari and others** (AIR 1965 Supreme Court 1049), **N.K.Mohd. Sulaiman Sahib v. N.C.Mohd. Ismail Saheb and others** (AIR 1966 Supreme Court 792), **Beharilal and another v. Smt.Bhuri Devi and others** (AIR 1997 Supreme Court 1879) were among the decisions cited by Sri.D.Krishna Prasad. The submissions of Sri.D.Krishna Prasad were very heavily resisted by Sri.P.B.Krishnan.

Having considered the rival submissions addressed at the Bar in the light of the judicial precedents which were cited and having gaged the impugned orders by the parameters which are applicable for exercise of jurisdiction by this court under the revisional jurisdiction under Section 115 CPC and under the supervisory jurisdiction under Article 227 of the Constitution, I am of the view that the impugned

orders can be sustained, but, clarified that the contesting respondents in the appeal will be entitled only for a hearing in the appeal.

Hence, sustaining the impugned orders, learned District Judge is directed to conduct a hearing at the earliest and at any rate within one month of production of a copy of this judgment and deliver judgment within another two weeks of hearing. Further notice need not be sent to the contesting respondents. The parties will appear before the District Court on 16/03/2008.

PIUS.C.KURIAKOSE
JUDGE

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